

**Minutes of Meeting  
Grafton Planning Board  
November 5, 2007**

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A regular meeting of the Grafton Planning Board was held on Monday, November 5, 2007 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Peter Parsons, Vice-Chairman, Robert Hassinger, Clerk Keith Regan, Donald Chouinard, Richard McCarthy and Associate Member Christophe G. Courchesne. Staff present was Town Planner, Stephen Bishop.

Chairman Parsons called the meeting to order at 7.01 p.m.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “BRIDLE RIDGE”  
(A/K/A “NORTH GRAFTON ESTATES I”) SUBDIVISION – HUCKINS FARM,  
LP, (APPLICANT, OWNER)**

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “NORTH GRAFTON  
ESTATES II” SUBDIVISION - HUCKINS FARM, LP, (APPLICANT, OWNER)**

Mr. Courchesne recused himself due to a conflict of interest.

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing.

Present for the applicant was Bryan Weiner, of Toll Brothers, Inc.

Mr. Bishop briefly reviewed the Town Department return memo comments with the Board, noting that the Police Chief had requested requiring the developers to supply the various signage within the subdivision. Mr. Bishop stated he was not sure whether the Planning Board could enforce that requirement. Mr. Bishop also noted a comment from the Board of Health stating two projects remain outstanding for “Bridle Ridge”: the relocation of the wall/breakout for the septic system on Morgan & Old Westboro Road; and replacement of the failed septic system at 134 Old Westboro Road, adjacent to the subdivision.

Mr. Weiner stated they were close to the end of both subdivisions, specifically finishing the horse trails, street tree replacement, have resubmitted as-built plans and are seeking to qualify for Determination of Completeness and be placed on the May, 2008 Town Meeting warrant. Mr. Weiner noted he would address the few outstanding issues reviewed by Mr. Bishop.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to close the public hearing.  
**MOTION** carried unanimously.

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to grant the applicant's written request to extend the construction deadline to June 1, 2008 for "Bridle Ridge" (a/k/a "North Grafton Estates I") Subdivision and "North Grafton Estates II" Subdivision. **MOTION** carried unanimously.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL "HILL VIEW ESTATES II" SUBDIVISION – HILLVIEW ESTATES, INC., (APPLICANT/OWNER)**

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing.

Present for the hearing was owner/applicant, David Brossi.

Mr. Bishop briefly reviewed the 5-lot subdivision and the adjacent multi-family construction and noted the Police Chief's comments regarding signage within the subdivision.

Mr. Brossi informed the Board that the entire infrastructure is complete with the exception of the bounds and the final topcoat of pavement and has requested the addition of a fire hydrant at the corner of Azalea Lane and Avalon Way.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, to close the public hearing. **MOTION** carried unanimously.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Chouinard, to grant the applicant's written request to extend the decision deadline for one year to November 13, 2008. **MOTION** carried unanimously.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – "HARDING ACRES" SUBDIVISION – GEORGE N. PRUNIER, (APPLICANT/PROPERTY OWNER)**

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing.

Present for the hearing was owner/applicant, George Prunier.

Mr. Bishop briefly reviewed the project for the Board, stating Mr. Prunier was also requesting a modification to the tree plan.

Mr. Prunier explained to the Board that he was requesting the Board's approval to omit the planting of nine 8 foot tall white pine trees required with the signed Definitive plan and leaving the existing old Oak trees at the request of the two abutting couples to the property.

Mr. Prunier informed the Board that four of the eight house lots have been built on, all of the sidewalks and tree planting (with the exception of the modification request) has been completed, and the top coat of paving and asphalt aprons to the unbuilt lots will be completed within the next two weeks. Mr. Prunier noted he plans to install the bounds

for the right-of-ways and do the as-built drawings in the spring in anticipation of Town acceptance in October, 2008.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Chouinard, to close the public hearing. **MOTION** carried unanimously.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Regan, to grant the applicant's written request to extend the construction deadline for "Harding Acres" subdivision for one year to September 30, 2008. **MOTION** carried unanimously.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to make a determination that the request for a tree plan change is a minor modification, and to grant the applicant's written request to omit the requirement to plant the 9 white pine trees for the reasons discussed. **MOTION** carried unanimously.

**"MAGNOLIA FARMS" SUBDIVISION – MAGNOLIA FARMS, LLC - POSSIBLE DEFAULT HEARING**

Chairman Parsons opened the public hearing.

Present for the hearing was Attorney Frank Capezzera, representing Webster Bank. There was no representative present for Magnolia Farms, LLC.

Mr. Bishop gave a brief overview of his site visit to the "Magnolia Farms" subdivision in the afternoon, stating there did not seem to be a very credible operation in place with poor equipment leaking hydraulic fluids and no work performed regarding street sweeping or fencing issues. Mr. Bishop noted in summary there was no credible work completed as requested by the Board at the last meeting.

The Board questioned Attorney Capezzera on Webster Bank's intentions. Attorney Capezzera informed the Board that he could not make a statement for the bank on what they will do, but noted that the bank will follow the practices and procedures on what is required of them with their agreement. Attorney Capezzera noted he had just obtained copies of the subdivision signed Definitive plans this evening and would get them to the Webster Bank parties dealing with the subdivision, in order to analyze the situation and whether or not there is a default on the part of the developer.

The Board informed Attorney Capezzera they would like to see the bank work in concert with the Town in working out possible ways to fund the restoration of the subdivision, specifically the pending safety issues and current problems.

Mr. Hassinger asked Attorney Capezzera if it will upset the process if they find the developer in default.

Attorney Capezzera stated the bank will proceed to analyze the situation as to whether or not there is a default and noted his client would prefer that the Board not declare the developer in default at this time.

Chairman Parsons stated he understands that his client's preference is not to find the developer in default, however the Town would prefer the additional leverage of the bank stating it will keep the agreement it is party of.

Mr. Regan stressed that it has been determined that the developer has defaulted and asked the Board how they would like to proceed.

Mr. Hassinger asked Attorney Capezzera how long he felt it would take the bank to assess the situation with the developer. Attorney Capezzera stated possibly thirty days before the bank would be prepared to respond.

Mr. Hassinger expressed concerns for on-going costs associated with the subdivision, such as snow plowing, and if the developer is declared to be in default, then it is also clear that someone will be taking over for the developer.

Mr. Bishop reminded the Board that a letter was sent out to Mr. Moloney in September, putting him on notice for default, for which he has 15 days to remedy and this has long since past.

Joseph Campezzi of 14 Magnolia Lane expressed concerns to the Board that Webster Bank entered into the Tri-party agreement with full knowledge and could have done more to oversee the subdivision construction being accomplished. Mr. Campezzi also argued that the Board should move ahead with the default, which will send a strong message to the developer and bank.

Mr. Bishop noted that it was in the best interests of the Town to partner with the bank in addressing the situation with this subdivision.

Andrea Flaherty of 15 Magnolia Lane questioned if the developer is found in default and the bank takes over the subdivision, who will be responsible to control the quality of the work for the homeowners.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to close the public hearing.  
**MOTION** carried unanimously.

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to find the developer in default of the Performance Surety, specifically finding that he has abandoned the subdivision.  
**MOTION** carried unanimously 5 to 0.

The Board stated there will need to be discussion on how to proceed as a practical matter and just how the subdivision situation will be handled.

The Board directed Mr. Bishop to draft a letter (First Class and Certified) of abandonment to the bank and the developer.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “FERRY RIDGE ESTATES” SUBDIVISION – INDIVIDUAL LOT, LLC (APPLICANT/OWNER)**

Chairman Parsons opened the public hearing.

Present were David Calarese and David Philips of L. R. C. Development Services, Inc. and Project Engineer Peter Lavoie of Guerriere & Halnon, Inc.

Mr. Lavoie informed the Board that on behalf of his client, he was requesting a modification to the approved Definitive Plan for “Ferry Ridge Estates” subdivision regarding the redesign of the approved drainage system. Mr. Lavoie briefly reviewed the previously approved plan and gave an overview of the changes he would be making to improve the drainage problems for the site before it progressed any further.

Mr. Bishop noted that Mr. Lavoie would be submitted more information, but was seeking the Boards endorsement of the concept tonight.

Mr. Philips stated he would like to slope the basins prior to the weather changing.

David Savage of 72 Ferry Street asked the Board if there was some sort of restriction for access to the basins. Mr. Hassinger noted he thought a policy had been established in the past for handling detention basins safety.

Mr. Chouinard asked if the binder will be on the road before winter and Mr. Philips stated no, that it will be gravel for now.

Mr. Hassinger asked how the modification would be handled if the Board was favorable to the drainage concepts presented.

Mr. Courchesne suggested the applicant continue procedurally with a new public hearing to present the drainage redesign for the subdivision.

Mr. Bishop suggested Mr. Lavoie submit the application and information by tomorrow, in order to legally advertise for a new public hearing at the next Planning Board meeting.

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to close the public hearing. **MOTION** carried unanimously.

**MOTION** by Mr. Chouinard, **SECOND** by Mr. Regan, to grant the applicant’s written request to extend the construction deadline for “Ferry Ridge Estates” subdivision for six months to April 1, 2008. **MOTION** carried unanimously.

Chairman Parsons received unanimous consent to take Action Item 2-G out of order.

**ACTION ITEM 2-G – ANR 2007-16 – RONALD KLOCEK – 222 PROVIDENCE ROAD**

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to endorse the ANR and authorize the Planner to sign the plan on behalf of the Board. **MOTION** carried unanimously.

Chairman Parsons received unanimous consent to take Action Item 2-D out of order.

**ACTION ITEM 2-D – REQUEST TO EXTEND THE PAVING DEADLINE – “BROOKMEADOW VILLAGE” SUBDIVISION**

Normand Gamache of Guerrierre & Halnon, Inc. informed the Board his client was requesting an extension to the paving deadline, specifically to November 30, 2007, in the event they were unable to meet the regulation deadline of November 15, 2007 in the case of inclement weather.

Mr. Hassinger noted this request would be conditioned to the discretion of the DPW Superintendent and Graves Engineering, Inc.

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to grant the petitioner’s written request to extend the paving deadline, subject to the discretion of the DPW Superintendent and Graves Engineering, Inc. **MOTION** carried unanimously 5 to 0.

Chairman Parsons received unanimous consent to take Discussion Item 3-B out of order.

**DISCUSSION ITEM 3-B – WGB PROPERTIES, LLC – 377 PROVIDENCE ROAD – RECREATIONAL FIELDS**

Normand Gamache informed the Board that the recreational fields have been graded and hydro seeded and any spots needing reseeding will be done in the spring. Mr. Gamache also noted that Attorney Antonellis is reviewing access to the fields with Town Counsel, considering a lease and/or an easement.

Mr. Hassinger asked who would accept the field for the Town if a lease is considered. Mr. Gamache stated the lease would be through the Board of Selectmen.

Mr. Gamache also informed the Board that his client has received their new Mass Highway curb cut permit for Route 122/122A. Mr. Gamache noted his client would like to sponsor a public informational meeting to show the size and scope of the project before beginning.

Mr. Bishop suggested the public meeting be held at the South Grafton Community House.

Chairman Parsons received unanimous consent to take Discussion Item 3-A out of order.

**DISCUSSION ITEM 3-A – GENE BERNAT – FISHERVILLE SITE**

Mr. Bernat discussed with the Board a general overview of the progress of the Fisherville site, noting a selling slowdown due to the current real estate market. Mr. Bernat stated it will take time to work through the environmental issues on the main parcel, but that it is looking really good and on the positive side. Mr. Bernat also noted that the Chapter 40-R concept process is relatively new to everyone.

Mr. Chouinard left the Planning Board meeting at 9:05 p.m.

Chairman Parsons received unanimous consent to take Action item 2-A out of order.

**ACTION ITEM 2-A – ADOPT 2008 PALNNGING BOARD MEETING SCHEDULE**

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to adopt the 2008 Planning Board Meeting Schedule with the two changes noted. **MOTION** carried unanimously 4 to 0.

**ACTION ITEM 2-B – REQUEST FOR RELEASE OF SURETY – “MAPLEVALE ESTATES” SUBDIVISION**

Mr. Courchesne recused himself due to a conflict of interest.

Mr. Bishop informed the Board that the “Maplevale Estates” roadways and open space were accepted at the October 15, 2007 annual Town Meeting.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, to approve the petitioner’s written request to release the Performance security bonds being held for Phase I in the amount of \$517,076.40 and for Phase II in the amount \$443,288.40. **MOTION** carried unanimously 4 to 0.

Chairman Parsons received unanimous consent to take Action item 2-E out of order.

**REQUEST FOR A BOND REDUCTION REVIEW/REFUND FOR PHASE VI OF FOREST HILLS DEVELOPMENT – FOREST HILLS, LP – JOHN MCBRIDE, COMMONS DEVELOPMENT GROUP, INC. (PETITIONER)**

**MOTION** by Mr. Regan, **SECOND** by Mr. McCarthy, to refund the remainder of the bond currently being held as security for Phase VI, in the amount of \$50,000.00, based on correspondence from Graves Engineering and the requirements of the Subdivision Rules & Regulations. **MOTION** carried unanimously.

**ACTION ITEM 2-F – REQUEST TO RENAME A SECTION OF SAMUEL DRIVE IN FOREST HILLS CONDOMINIUMS – MICHAEL MILLS, BOARD OF FIRE ENGINEERS, (PETITIONER)**

Mr. Bishop informed the Board that this was not a public way and the Condo Association was in support of the change and will back the new signage.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. McCarthy, that the Board has no objection to the petitioner's written request to rename a section of Samuel Drive, but stipulating that the Board's position is not to be confused with formal approval until it is established that the Board is able to make this determination. **MOTION** carried unanimously 4 to 0.

Chairman Parsons received unanimous consent to take Discussion item 3-C out of order.

**BOARD OF SELECTMEN REQUEST FOR RECOMMENDATION – CHAPTER 61A – ESTATE OF MARY LOIS PEASE – 20/31/BROWNS ROAD & OLD UPTON ROAD**

The Board discussed this as an agenda item and sending a letter to the Board of Selectmen for a Chapter 61A referral on the property.

The Board continued to discuss the land area, stating the strange shape of the lot and the proximity of the Lot 2 crossing so close to the Land Trust land, there should be some input from the Land Trust.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Hassinger, to strongly recommend the Town buy the land, noting that Lot 2 abuts Land Trust property for which the Board of Selectmen should get input from the Land Trust before making any decision, the land forms part of a greenbelt along the railroad, and in addition is contiguous with a significant amount of Land Trust property. **MOTION** carried unanimously.

Chairman Parsons received unanimous consent to table Action Item 2-C – Consider Decision – SP 2007-3 David Mason/Mason Construction, Inc. – 129 Ferry St. to be placed on the next Planning Board meeting agenda.

**MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to approve the open session minutes of October 22, 2007 as drafted. **MOTION** carried unanimously.

**BILLS**

The bills were circulated and signed.

**STAFF REPORT**

Mr. Bishop reminded the Board about the workshop scheduled with the Board of Selectmen on Tuesday, November 13, 2007 at 7:00 p.m. concerning the Comprehensive Plan.


Mr. Bishop also informed the Board that Ann Morgan had been offered the position of Assistant Planner, with a permanent starting date of November 16, 2007. Mr. Bishop noted Ms. Morgan would be working on a part time basis in the interim and will be attending the Board of Selectmen workshop.

Chairman Parsons thanked Mr. Bishop for the efforts in the interview process and noted there was a fairly good range of experience with the applicants.

Mr. Regan asked Mr. Bishop if he would schedule the new DPW Superintendent, Tomar Duhani, to attend a Planning Board meeting in order to meet with the Board.

**MOTION** by Mr. McCarthy, **SECOND** by Mr. Regan, to adjourn the meeting.  
**MOTION** carried unanimously.

The meeting was adjourned at 9:45 p.m.

  
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Keith A. Regan, Clerk